HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 23689 OF 2006

DATED: 15.11.2006

Between:

Hindu Graveyard Protection Committee

… Petitioner

and

Commissioner of Police, Cyberabad and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.23689 OF 2006

ORAL ORDER:

The singular grievance in this writ petition by the petitioner-committee, claiming to be a registered society, is that the management committee members of the 9th respondent-Dargah are encroaching into a graveyard in Sy.Nos. 119 and 120, Shobana Colony, Old Airport Road, Balanagar, Ranga Reddy District and the respondents 1 to 8 have done nothing to prevent the office bearers of the 9th respondent from encroaching.

Such a grievance as to forcible dispossession or interference with the ownership and enjoyment or administration of the graveyard by the petitioner is more appropriately addressed before a civil court of competent jurisdiction in an appropriately framed suit. Article 226 of the Constitution could not be invoked when such alternative efficacious statutory remedy is available.

On the analysis above, the writ petition is dismissed. The petitioner is at liberty to pursue the appropriate statutory remedy. No order as to costs.

GODA RAGHURAM, J

Date: 15.11.2006
CVM